

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

BENJAMIN ESPINOSA.

Case No. 3:25-CV-00355-MMD-CLB

Plaintiff,

ORDER

V

[ECF Nos. 2, 3]

DAVIS, *et al.*,

Defendants

10 Pro se Plaintiff Benjamin Espinosa, (“Espinosa”) who is incarcerated in the custody
11 of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint
12 under 42 U.S.C. § 1983, (ECF No. 8), a motion for temporary restraining order, (ECF No.
13 2), and a motion for preliminary injunction, (ECF No. 3). The Court screened Espinosa’s
14 civil rights complaint under 28 U.S.C. § 1915A and allowed him to proceed on claims
15 under the Eighth Amendment and Article 1, Section 6 of the Nevada Constitution against
16 several Defendants. (See ECF No. 10.) The Court also noted that the two motions for
17 TRO and PI would be addressed in a separate order. (*Id.* at 8.)

18 Espinosa seeks a Court order directing Northern Nevada Correctional Center
19 (“NNCC”) officials “to turn on the swamp coolers at NNCC and ensure the units are [at]
20 appropriate temp[eratures].” (ECF Nos. 2 at 4-5, 3 at 3-5.) He further requests the Court
21 order NNCC officials to conduct daily temperature checks and to permit inmates to open
22 their own windows to permit airflow in the cells. (ECF Nos. 2 at 5, 3 at 5.)

23 Accordingly, **IT IS ORDERED** that the NDOC shall respond to the motions, (ECF
24 Nos. 2, 3), by no later than **August 4, 2025**. Espinosa will have 7 days after service of a
25 response to file his reply.

26 **IT IS FURTHER ORDERED** that the 90-day stay remains in place, and until the
27 Court lifts the stay, no other pleadings or papers may be filed in this case, and the parties
28 may not engage in any discovery, nor are the parties required to respond to any paper

1 filed in violation of the stay unless specifically ordered by the Court to do so.

2 **IT IS SO ORDERED.**

3 **DATED:** July 21, 2025

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10 **UNITED STATES MAGISTRATE JUDGE**